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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2960 OF 2007

Baburao T. Ghadge .. Applicant

versus

State of Maharashtra .. Respondent

...

Mr.M.A. Choudhary for the applicant.

Mr.Rajesh More APP for the State.

CORAM : D.G.KARNIK, J

DATED : 20th December 2007

P.C.:

1. The applicant is alleged to have committed offences under section 498A, 306, 323 and 504 of the IPC. The applicant along with four other family members were charged of the said offences by applying section 34 of the IPC. Four other accused persons have been released on bail. The applicant claims parity.

2. Since viscera report was not received by an order dated 21st November 2007, this court thought it

fit to await viscera report and adjourn the matter for four weeks. The State was directed to expedite obtaining of the viscera report. Till today, viscera report is not received. Investigating Officer is not present. Learned APP is unable to state why viscera report is not received so far though the post mortem report is submitted on 1st January 2007. More than six months have passed, the applicant is in jail. Hence matter cannot be adjourned indefinitely. Taking an overall view of the matter and also taking into consideration the fact that the applicant is in jail for six months and other co-accused have been granted bail, I pass the following order:-

O R D E R

. The applicant be released on bail on personal bond of Rs.50,000/- with two sureties of Rs.25,000/- each subject to the condition that the applicant shall not tamper with the prosecution evidence and report to the concerned police station once a week on every Monday between 5.00 p.m. to 7.00 p.m. till the conclusion of the trial.

(D.G. KARNIK, J)